

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Brendan Mysliwicz	Team: Team # 6	CCRB Case #: 200814966	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Monday, 09/15/2008 4:00 PM	Location of Incident: Madison Street and Evergreen Avenue in Bushwick	Precinct: 83	18 Mo. SOL 3/15/2010	EO SOL 3/15/2010	
Date/Time CV Reported Thu, 10/16/2008 1:13 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Thu, 10/16/2008 1:13 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Castronova	27956	929856	083 PCT
2. POM Christia Carlin	20486	941501	083 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Christia Carlin	Abuse: Officer Christian Carlin did not obtain medical treatment for § 87(2)(b)	
B.POM Daniel Castronova	Abuse: Officer Daniel Castronova did not obtain medical treatment for § 87(2)(b)	

Synopsis

On October 16, 2008, the Civilian Complaint Review Board (CCRB) received a letter sent by § 87(2)(b) in which he stated that he was interrogated by officers after he had been beaten by civilians and was bleeding.

§ 87(2)(b) stated that on September 15, 2008, in front of 1082 Madison Street, Brooklyn, he was accosted by individuals § 87(2)(b). The assailants tore § 87(2)(b)'s shirt off and struck him several times, causing him to bleed from his face. § 87(2)(b) ran into a bodega to escape the mob. Once in the bodega, two uniformed police officers, Officers Christian Carlin and Daniel Castronova of the 83rd Precinct, took § 87(2)(b) into custody. § 87(2)(b) alleged that as he was being led to the RMP, he requested medical attention. Furthermore, he alleged that when he was in the RMP and being transported to the station house, he asked for medical attention (**Allegation A** and **Allegation B**). § 87(2)(b) did not obtain medical treatment.

In his original complaint letter, § 87(2)(b) did not state that he requested medical treatment and had been denied it. During his follow-up conversation with the undersigned investigator regarding the original letter, he stated that he asked only one of the officers for medical treatment, not two, as he claimed during his in-person statement. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) the SPRINT reflects that § 87(2)(b) had been chased by several individuals and assaulted with sticks and fists. § 87(2)(b), § 87(2)(g)

Summary of Complaint

Letter dated October 16, 2008 (encl. 3A-B)

§ 87(2)(b) alleged that he had been assaulted by civilians and was not provided medical treatment by the police. He did not state that he requested medical treatment and was refused it by the officers.

Telephone Statement of November 13, 2008 (see encl. 12A)

§ 87(2)(b) stated that he specifically requested medical treatment from a male White officer and was denied. He did not indicate that he requested treatment more than once.

CCRB Statement (summarized in 5A-B)

On December 24, 2008, § 87(2)(b) was interviewed at the Civilian Complaint Review Board (CCRB). § 87(2)(b) is a 5'4" male Black weighing approximately 150 lbs. He lives at § 87(2)(b).

On September 15, 2008, at approximately 4 PM at the intersection of Evergreen Avenue and Madison Street, Brooklyn, § 87(2)(b) was in a laundromat speaking with a gentleman whom he believes owns the establishment. From the outside, § 87(2)(b) heard a female voice yell, "that's him!" § 87(2)(b) exited the laundromat and was approached by the woman who had yelled. She stated to him that she believed that he was the gentleman who had attempted to kidnap her daughter. § 87(2)(b) disagreed and reached into his back pocket in an attempt to retrieve and display § 87(2)(b), but he had left it at home. A young girl came up to the woman and § 87(2)(b) and the woman asked her whether § 87(2)(b) was the man who had attempted to kidnap her. The girl stated that § 87(2)(b) may have been. § 87(2)(b) then observed a young man (in his late teens) holding a piece of pavement just off to the side. § 87(2)(b) grabbed the man's wrist as a preventive measure—he believed he was going to be assaulted—and the woman jumped on top of him, began hitting him and ripped open his shirt. § 87(2)(b) fled.

§ 87(2)(b) ran toward Evergreen Avenue and Madison Street and attempted to seek refuge in a corner store. Before he reached the store, the woman and young man caught up with him, brought him to the crowd and kicked and hit him repeatedly in the head and torso. § 87(2)(b) sustained several cuts during this assault, some of which were still visible some time later. Among the injuries he sustained were a laceration to his left forearm, right hand and lip. § 87(2)(b) was able to enter the store and fell down onto his front. The individuals chasing him entered the store and observed a camera. Someone stated that

there was a camera and that they had to be careful. § 87(2)(b) requested that the store employee contact the police.

Two officers in a marked patrol car (PO1, identified by the CCRB as Officer Christian Carlin of the 83rd Precinct, described as a male White, approximately 5'4", lighter hair than PO2 and PO2, identified by the CCRB as Officer Daniel Castronova of the 83rd Precinct, described as a male White, approximately 6'1", black hair) responded within a few minutes and placed § 87(2)(b) in the back of their patrol car. § 87(2)(b) stated to the officers that one of his assailants had stolen his cellular telephone and that he would like someone to call his mother and inform her as to what had happened. § 87(2)(b) was bleeding from his face. Once in the vehicle, § 87(2)(b) observed his assailants walking up Evergreen Avenue towards Gates Avenue. § 87(2)(b) informed the officers that those individuals were the persons who had assaulted him. As they were outside, § 87(2)(b) requested medical attention from the officers. Officers Carlin and Castronova told him to "shut up" and stated that they would "deal with that later." A woman with a young child approached the police vehicle and, through the rolled up window, stated to § 87(2)(b) that it was unfortunate how the officers were ignoring his injuries and that she didn't believe that he was guilty of a crime. At this time, the officers were speaking with the woman who had accused § 87(2)(b) of kidnapping her daughter. § 87(2)(b) was then transported to the station house. During his transport, he requested medical attention several more times. At the station house, § 87(2)(b) was placed in a holding cell. Aside from § 87(2)(b) there was no one in the holding cell.

A second police vehicle approached the scene at some point during § 87(2)(b)'s time in the police cruiser, but § 87(2)(b) had no contact with the officers inside.

§ 87(2)(b) did not state that he received medical treatment at any point during police custody or after his release. § 87(2)(b) denied that he had been arrested, merely questioned, and provided ultimately ignorant of the exact time he was arrested.

Telephone Statement of February 20, 2009 (encl. 5C)

§ 87(2)(b) confirmed that he never received medical treatment.

Results of Investigation

Identification of Officers Interviewed

According to the SPRINT print-out for the incident, 83SP6—Robbery Auto—responded to the scene and took § 87(2)(b) into custody. The Roll Call identified Officers Carlin and Castronova as the officers assigned to the Robbery Auto unit. The officers also fit § 87(2)(b)'s description. For these reasons, Officers Carlin and Castronova were interviewed.

Members of Service

Officer Daniel Castronova

Memo Book (encl. 7A-C)

Officer Castronova's Memo Book entries for September 15, 2008 reflect that on that date he was assigned to Robbery Auto with Officer Carlin as his partner. Officer Castronova was operating RMP 2695. His entries reflect that at 5:40 PM, he and Officer Carlin responded to 1082 Madison Street, backing up Sector C on an assault in progress and that at 5:55 PM, Officer Castronova had one arrest for investigation. At 6:30 PM, Brooklyn Special Victims' Unit took custody of § 87(2)(b) and Officer Castronova resumed patrol.

CCRB Testimony (summarized in encl. 7D-E)

On February 18, 2009, Officer Daniel Castronova of the 83rd Precinct was interviewed at the Civilian Complaint Review Board (CCRB). Officer Castronova is a 6'4" male White weighing approximately 219 lbs. He has a muscular build, brown hair and blue eyes.

On the date of incident at 5:40 PM, there was a call regarding an assault in progress at 1082 Madison Street (at which a bodega is located) and Officers Castronova and Carlin responded to back up the officers working Sector C. Upon arriving at the location, the officers encountered an irate woman standing outside the bodega. § 87(2)(b)

§ 87(2)(b) Officer Carlin remained outside with the woman as Officer Castronova entered the bodega. Upon entry, Officer Castronova observed § 87(2)(b) to be seated on a milk crate leaning into the wall. Officer Castronova could not recall what § 87(2)(b) was wearing at this time, but he did not observe any injuries or any blood on § 87(2)(b). Officer Castronova asked § 87(2)(b) what was happening. § 87(2)(b) responded that he didn't know and simply that the people outside were chasing him. Officer Castronova stated to § 87(2)(b) that § 87(2)(b) and that a crowd had gathered. The officer informed § 87(2)(b) that for his safety, he should be handcuffed and placed into the rear of the RMP. § 87(2)(b) consented, stood up, was handcuffed inside the bodega, and led outside. § 87(2)(b) did not request medical treatment at this time.

As Officer Castronova placed § 87(2)(b) inside the RMP, the father of the child who was allegedly abused approached the RMP, screaming that he was going to get § 87(2)(b). Officer Carlin stood in front of this gentleman and stopped him from moving forward toward § 87(2)(b) and the RMP. Officer Carlin stood by the RMP, guarding it, as Officer Castronova interviewed the mother and father of the child who had been allegedly assaulted. No windows of the RMP were open at this time. No civilians unaffiliated with the allegedly assaulted child approached the RMP when § 87(2)(b) was inside. When the sector patrol officers arrived on scene, Officer Castronova shared with them knowledge of the situation. The Special Victims' Unit was contacted. § 87(2)(b) was then transported to the 83rd Precinct station house by Officers Castronova and Officer Carlin and at no point during this transport did he request medical attention. At the station house, the SVU officers interviewed the parents of the child and took custody of § 87(2)(b). § 87(2)(b) did not request medical attention in the 83rd Precinct station house.

Officer Christian Carlin

Memo Book (encl. 6A-B)

Officer Carlin's Memo Book reflects that on September 15, 2008, he was partnered with Officer Castronova and assigned to RMP 9029. Officer Carlin had no entries regarding this incident. Officer Carlin was on duty and in uniform.

CCRB Testimony (summarized in encl. 6C-D)

Officer Christian Carlin of the 83rd Precinct was interviewed at the Civilian Complaint Review Board (CCRB) on February 12, 2009. Officer Carlin is a 5'6" male White weighing approximately 225 lbs. he has brown hair and brown eyes. § 87(2)(g)

On the date of incident, at approximately 4:00 PM, in the vicinity of the intersection of Evergreen Avenue and Madison Street in Brooklyn, Officer Castronova observed individuals flagging down their RMP. § 87(2)(b) was not wearing a shirt at the time he was placed into police custody. Officer Carlin did not observe any injuries on § 87(2)(b)'s face or torso. When § 87(2)(b) was placed inside the RMP, Officer Carlin turned on the air conditioning and slid open the partition between the front and rear seats. The front windows of the vehicle were open, allowing communication between § 87(2)(b) and Officer Carlin.

Regarding the allegation that Officer Castronova and Officer Carlin refused § 87(2)(b) medical treatment, § 87(2)(g) § 87(2)(b) never made any such request.

Police Documents

The *Command Log entry (encl. 8A)* dated September 15, 2008 at 6:45 PM reflects that § 87(2)(b) was placed under arrest at 6:04 by Officer Castronova before being turned over to Detective Molinari and Sgt Giuntini of the Brooklyn Child Abuse Squad at 6:55 PM. § 87(2)(b)'s physical condition was listed as "apparently normal." It notes that he was charged § 87(2)(b).

The *83rd Precinct 2nd Tour Roll Call (encl. 9A-I)* for September 15, 2008 reflects that Officers Carlin and Castronova were assigned to work robbery auto together, assigned to RMP 2695.

The print-out for *Sprint #M10488 (encl. 11C)* reflects that a unit identified as 83SP6, rather than the sector patrol, responded to § 87(2)(b). The SPRINT reflects that 83SP6 responded to the scene at

5:40 PM and made an arrest at 6:05 PM. The SPRINT further reflects that § 87(2)(b) was assaulted with sticks and that a skateboard was involved. Several 911 callers notified police about the incident.

Criminal Conviction History

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian CCRB History (encl. 2A)

This is § 87(2)(b)'s first complaint filed with the CCRB.

Officer CCRB Histories (encl. 1A-B)

Neither Officer Carlin nor Officer Castronova have been disciplined pursuant to allegations filed with the CCRB. Officer Carlin has been a member of service for two years; Officer Castronova has been a member of service for six years.

Conclusions and Recommendations

Officer Identification

§ 87(2)(b) stated that he requested medical attention from the officers who took him into custody and transported him to the station house. The SPRINT identified Officers Carlin and Castronova's unit as the responding officers on the date of incident and the 83rd Precinct Roll Call identified the officers by name. Moreover, the officers themselves stated that they had been the officers who took § 87(2)(b) into custody and transported him to the station house. § 87(2)(g)

Undisputed Facts

It is undisputed that § 87(2)(b) was arrested inside 1082 Madison Street, Brooklyn and was transported to the 83rd Precinct station house after briefly being detained inside the officers' RMP parked outside of the location.

Disputed Facts

§ 87(2)(b), § 87(2)(g)

Assessment of Evidence

The initial complaint narrative, provided in the letter § 87(2)(b) sent to the CCRB, does not allege that § 87(2)(b) specifically requested medical treatment from officers and was denied. His initial narrative states only that he was not provided medical treatment. During a conversation with the undersigned investigator after the filing of his complaint, § 87(2)(b) stated that he asked a male White officer for medical treatment. At the time of his CCRB interview, § 87(2)(b) stated that he requested medical treatment from both officers several times. Officer Castronova denied that § 87(2)(b) requested medical treatment as he was being brought to the RMP and both officers deny that § 87(2)(b) was denied medical treatment while en route to the station house.

Although the SPRINT for the incident reflects that sticks and a skateboard were involved in the incident, both Officers Carlin and Castronova stated that they could not observe any visible injuries on § 87(2)(b) at the time he was taken into custody. Furthermore, the Command Log entry for his arrest stated that § 87(2)(b) was in "apparently normal" physical condition. § 87(2)(b) testified that he was bleeding from his face, which both officers denied during their CCRB testimony. Furthermore, although he alleged he was refused medical treatment by Officers Carlin and Castronova, he did not state that he requested medical treatment at any other point during his police custody. § 87(2)(b) was not provided medical treatment by either the Special Victims Unit or by the Brooklyn Court Section. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)
[Redacted]
[Redacted]
[Redacted]

Allegations

Allegation A: Abuse of Authority: Officer Christian Carlin did not obtain medical treatment for
§ 87(2)(b)

Allegation B: Abuse of Authority: Officer Daniel Castronova did not obtain medical treatment for
§ 87(2)(b)

§ 87(2)(b), § 87(2)(g)
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Investigator:
Brendan Mysliwiec
Supervisor:

Reviewed by:

Reviewed by:

Date:

Date:

Date:

Date: